

### REMARKS

The following remarks are prepared in response to the Office Action mailed on April 30, 2009. Claims 1, 2, 4-8, 10-18, 20-22, 24, 26, 27 and 30 remain pending in this application.

Applicant would like to thank Primary Examiner Muromoto for the courtesy of an interview on July 21, 2009. Applicant has incorporated the Examiner's suggested amendments, which the Examiner indicated will overcome the instant rejection. Claim 20 as amended was noted as being allowable pending further search and consideration.

### 35 U.S.C. § 103

The Examiner rejected Claims 1, 2, 4-8, 10-27, and 30 under 35 U.S.C. § 103(a) as being unpatentable over *O'Neill* (U.S. Pat. No. 3,731,319).

### Independent Claim 1

*O'Neill* does not teach or suggest "the bend comprises a dart which in the finished garment begins at a seam located at an upper rear side of the upper arm section and terminates adjacent the elbow region, the dart comprising only edges of the second panel joined together without creating a fold within the second panel." There is no indication in *O'Neill* that a bend comprising a dart is located at an upper rear side of the upper section and terminates adjacent the elbow region. For example, body portion 11 does not include such a bend. Furthermore, while conventional darts are formed from multiple materials, there is no indication in *O'Neill* that any darts used for any such bends comprise only the edges of the second panel joined together.

In contrast, in the present invention, each sleeve has a bend at an elbow region such that the forearm section forms an angle to the upper arm section of the sleeve. This bend at the elbow comprises a dart from only a single panel of fabric beginning at a location 62 (located at an upper rear side of the upper arm section) and terminates at a location 64 (adjacent the elbow region). (Pg.

10; FIG. 2, FIG. 3.) The present invention as recited in the claims allows for a reduced amount of panels and a reduced amount of seam length. The reduced amount of panels and seam lengths will generally keep a user warmer, more comfortable, and more flexible than existing wetsuits. (Pg. 4.)

Applicant respectfully requests that the rejection of Independent Claim 1 and its Dependent Claims be withdrawn.

Independent Claim 10

*O'Neill* also does not teach or suggest “each leg section comprises a single panel of fabric and includes a dart which begins at a seam on an inner knee region of the body and terminates at an outside calf region, the dart comprising only edges of the single panel of fabric joined together.” There is no indication in *O'Neill* that a dart comprising only edges of the single panel of fabric joined together, runs from an inner knee region of the body to an outside calf region. As seen in FIG. 1 of *O'Neill*, panel 13 and panel 15 are joined to a crotch section, but do not each have a dart comprising only edges of the single panel. Likewise, panel 13 and panel 15 are joined to leg sections (un-numbered), but again, those are seams joining two different panels. Furthermore, no dart runs from an inner knee region and terminates at an outside calf region.

Applicant respectfully requests that the rejection of Independent Claim 10 and its Dependent Claims be withdrawn.

Independent Claim 13

*O'Neill* does not teach or suggest “each sleeve comprises a single panel of fabric and the bend comprises a dart which in the finished garment begins at a seam located at an upper rear side of the upper arm section and terminates adjacent the elbow region, the dart comprising only edges of the second panel joined together without creating a fold within the second panel.” As previously noted, *O'Neill* does not teach or suggest a bend comprising a dart being located from an upper rear side of

the upper arm section to an area adjacent the elbow region. Furthermore, *O'Neill* does not teach or suggest that such a dart comprises only edges of the second panel joined together without creating a fold within the second panel.

Applicant respectfully requests that the rejection of Independent Claim 13 and its Dependent Claims be withdrawn.

Independent Claim 18

*O'Neill* does not teach or suggest “a single panel covers both of the wearer’s armpits, both of the wearer’s legs including both of the wearer’s ankles, and the wearer’s arm and waist.” As seen in FIG. 1 of *O'Neill*, the panel 13 only covers a single armpit instead of both armpits. Likewise, the panel 15 covers only a single armpit instead of both armpits. Panel 11 does not cover both of the wearer’s ankles. Thus, there is no single panel in *O'Neill* which covers both of the wearer’s armpits and both of the wearer’s ankles.

Applicant respectfully requests that the rejection of Independent Claim 18 be withdrawn.

Independent Claim 20

All arguments for patentability with respect to Independent Claim 1 are repeated and incorporated herein. Furthermore, *O'Neill* also does not teach or suggest “the plurality of seams have a total length of less than 32 feet.” There is no indication in *O'Neill* regarding the total seam length in the wetsuit.

In the present invention, however, the configuration allows a reduction in seams. A reduction in seams improves the wetsuit since it is warmer, has less chance of water entry, has less chance of wear due to stress, and requires less repairs. (Pg. 7.)

Applicant respectfully requests that the rejection of Independent Claim 20 and its Dependent Claims be withdrawn.

Independent Claim 24

All arguments for patentability with respect to Independent Claim 20 are repeated and incorporated herein.

*O'Neill* also does not teach or suggest “the total number of panels used to form a torso portion of the suit, excluding any dedicated neck panels, is 3, and the plurality of seams have a total length of less than 32 feet.” As previously noted, *O'Neill* makes no indication regarding the desirability of a shorter seam length.

Applicant respectfully requests that the rejection of Independent Claim 24 be withdrawn.

Independent Claim 26

All arguments for patentability with respect to Independent Claim 1 are repeated and incorporated herein. *O'Neill* does not teach or suggest “forming a dart which begins at a seam located at an upper rear side of the upper arm section of the sleeve and terminates adjacent an elbow region of the sleeve comprising only edges of the second panel joined together without creating a fold within the second panel.” There is no indication in *O'Neill* regarding forming a dart which in the location recited by the claim language. Furthermore, there is no indication in *O'Neill* that any such dart comprises only edges of the second panel joined together without creating a fold within the second panel.

Applicant respectfully requests that the rejection of Independent Claim 26 and its Dependent Claims be withdrawn.

Independent Claim 30

All arguments for patentability with respect to Claim 1 are repeated and incorporated herein. Furthermore, *O'Neill* does not teach or suggest “forming a dart on each arm section beginning at a seam located at an upper rear side of the upper arm section of the sleeve and terminating adjacent an

elbow region of the sleeve comprising only edges of the second panel joined together without creating a fold within the second panel.” *O’Neill* does not teach or suggest forming a dart in the location recited by the claim language. Furthermore, there is no indication in *O’Neill* that any such dart comprises only edges of the second panel joined together without creating a fold within the second panel.

Applicant respectfully requests that the rejection of Independent Claim 30 be withdrawn.

Dependent Claims

Dependent Claims 2, 4-8, 11, 12, 14-17, 21, 22 and 27 depend from and further define Independent Claims 1, 10, 13, 20, and 26 and are thus allowable, too.

CONCLUSION

The application is deemed to be in condition for allowance and an expedited notice to this effect is respectfully requested.

If there are any questions with regards to this response, or if the Examiner believes that a telephone interview will help further prosecution of the application, the Examiner is invited to contact the undersigned at the listed telephone number.

Very truly yours,

**SNELL & WILMER L.L.P.**



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